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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/791,237

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Alejandro Candal

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FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI  
& BIANCO P.L.

551 N.W. 77TH STREET, SUITE 111  
BOCA RATON, FL 33487

EXAMINER

NGUYEN, HOANG V

ART UNIT

PAPER NUMBER

2821

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

**Office Action Summary**

Application No.

10/791,237

Applicant(s)

CANDAL, ALEJANDRO

Examiner

Hoang V. Nguyen

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 8-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/7/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

### *Drawings*

1. The drawings are objected to because the drawing contradicts with the description in the specification (page 9, lines 14-22). Figure 1 shows that the conductive element 110 connecting with antenna element 122 while the specification recites that the conductive element 110 is physically removed from the top end of antenna element 122. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Objections*

2. Claims 1, 8, 9, 12 and 13 are objected to because of the following informalities: These claims contain negative recitations such as “**not** in the second position”. Positive recitation such as “while in the first position” is a preferred practice. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation “the RF drive connection” and “the meander line drive connection” in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5, 7, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Sawamura et al (US 6,366,247 B1).

Regarding claim 1, Sawamura (Figures 21A and 21B) discloses an antenna structure comprising a first radiation element 68 with a first element drive contact 74; an RF drive contact 77 coupled to an RF signal interface 41; and a movable antenna element movable between a first position (retracted) and a second position (extended), the movable antenna element comprising a second radiation element 67, the movable antenna element configured to: while in the first position, form a first conductive path between the RF drive contact 77 and the first element drive

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contact 74 while conductively isolating the RF drive contact from the second radiation element; and while in the second position, conductively isolating the RF drive contact from the first element drive contact while forming a second conductive path between the RF drive contact and the second radiation element.

Regarding claim 2, as applied to claim 1, Figure 21A of Sawamura shows that the second radiation element 67 is physically removed from the first conductive path while the movable antenna element is in the first or retracted position.

Regarding claim 3, as applied to claim 1, Sawamura teach that the first impedance is substantially similar to the second impedance.

Regarding claim 4, as applied to claim 1, Figure 21A of Sawamura further comprising an impedance matching network 46 for coupling between the RF signal interface 41 and the RF drive contact 77.

Regarding claim 5, as applied to claim 1, Figure 21A of Sawamura shows that the first conductive path is formed only in the first position.

Regarding claim 7, as applied to claim 1, Figure 21B of Sawamura shows that while in the second or extended position, coupling between the first radiation element 68 and the movable antenna element does not induce increased RF input reflection at the RF signal interface near a frequency of interest.

Regarding claim 12, Sawamura (Figures 21A and 21B) discloses a wireless communication circuit 60 comprising at least one of a receiver circuit and transmitter circuit 41; an antenna comprising a first radiation element 68 with a first element drive contact 74; an RF drive contact 77 coupled to an RF signal interface 46; and a movable antenna element movable

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between a first position (retracted) and a second position (extended), the movable antenna element comprising a second radiation element 67, the movable antenna element configured to: while in the first position, form a first conductive path between the RF drive contact 77 and the first element drive contact 74 while conductively isolating the RF drive contact from the second radiation element; and while in the second position, conductively isolating the RF drive contact from the first element drive contact while forming a second conductive path between the RF drive contact and the second radiation element.

Regarding claim 13, Sawamura (Figures 21A and 21B) discloses a wireless device 60 comprising at least one of a receiver circuit and transmitter circuit 41; at least one antenna electrically coupled to the at least one receiver and transmitter, the antenna comprising a first radiation element 68 with a first element drive contact 74; an RF drive contact 77 coupled to an RF signal interface 46; and a movable antenna element movable between a first position (retracted) and a second position (extended), the movable antenna element comprising a second radiation element 67, the movable antenna element configured to: while in the first position, form a first conductive path between the RF drive contact 77 and the first element drive contact 74 while conductively isolating the RF drive contact from the second radiation element; and while in the second position, conductively isolating the RF drive contact from the first element drive contact while forming a second conductive path between the RF drive contact and the second radiation element. It is inherent that the wireless device also include a baseband processing portion, communicatively coupled to the at least one receiver and transmitter, for processing at least one data, voice, image and video signals in order to render the wireless device operational to transmit/receive data, voice, image and video signals.

***Allowable Subject Matter***

7. Claims 8-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 8, Sawamura fails to further teach, among other features, that the RF drive contact specifically comprises a first contact and a second contact, the first contact forming part of the first conductive path when the movable antenna element is in the first position and the second contact forming part of the second conductive path when the movable antenna element is in the second position.

Claims 9-11 would have been found allowable for depending on claim 8.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Patent 5,969,682 discloses a retractable antenna for a wireless device.
- Patent 5,969,683 discloses a wireless device with antenna matching switching system configurations.
- Patent 5,940,040 discloses a system for selecting between a whip antenna and a built-in antenna.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang V. Nguyen whose telephone number is (571) 272-1825.


The examiner can normally be reached on Mondays-Fridays from 9:00 a.m. to 5:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoang Nguyen can be reached on (571) 272-1825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hvn  
4/13/05



**HOANG V. NGUYEN**  
**PRIMARY EXAMINER**